

A.G. Contract No. KR910053TRD
ECS File: JPA-90-154
Project: 210PMOH290201D/824-9-301
Section: SR-210 Downtown
Land Use/Circulation Study

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TUCSON

THIS AGREEMENT is entered into JAN 07 1991 ^{9 May 1991}, 1990,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-
954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY
OF TUCSON, acting by and through its City Council (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 and City Charter Article 1, Section 1, Chapter 4 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in Phase II of the design plan for State Route 210 (Aviation Corridor), (Downtown Land Use/Circulation Study), hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The City will:

a. Hire a consultant to accomplish the Project. Administer the consultant contract and make all payments thereunder. Be responsible for any consultant claims for extra compensation attributable to the City.

NO. 15632
FILED WITH SECRETARY OF STATE
Date Filed 05/09/91
Richard H. Johnson
Secretary of State
By Henry W. Greenberg

b. Certify that the design plan conforms to the ^{city} ~~city~~ design standards.

c. Invoice the State, no more often than monthly, for its portion of the cost of the Project, estimated at \$400,000.

2. The State will:

a. Accept the certification that the design plan conforms to the ~~city~~ design standards. Such certification shall qualify the Project as eligible for fifteen percent (15%) HURF funding in the future.

b. Reimburse the City within thirty (30) days after receipt and approval of invoices, in an amount not to exceed \$400,000. Be responsible for any contractor claims for extra compensation attributable to the State.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement may be cancelled at any time prior to the award of a consultant contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518 (B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Room 118E
Phoenix, Arizona 85007


City of Tucson
City Manager
P.O. Box 27210
Tucson, Arizona 85726-7210

7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

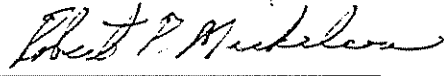
CITY OF TUCSON

BY


THOMAS VOLGY
Mayor

STATE OF ARIZONA
Department of Transportation

BY


ROBERT P. MICKELSON
Deputy State Engineer


ATTEST


City Clerk

RESOLUTION

BE IT RESOLVED on this 30th day of October 1990, that I, JAMES S. CREEDON, as Acting Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tucson for the purpose of defining responsibilities for conducting Phase II of the SR-210 (Aviation Corridor) Downtown Land Use/Circulation Study.

Therefore, authorization is hereby granted to draft said agreements which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.


for JAMES S. CREEDON
Acting Director
Arizona Department of
Transportation

ADOPTED BY THE
MAYOR AND COUNCIL

JAN 07 1991

RESOLUTION NO. 15556

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND
AUTHORIZING EXECUTION OF INTERGOVERNMENTAL AGREEMENTS
WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR
FUNDING PHASE II OF THE DOWNTOWN LAND USE AND
CIRCULATION STUDY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF
TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Intergovernmental Agreements with the
Arizona Department of Transportation for funding Phase II of the
Downtown Land Use and Circulation Study, attached hereto, is
approved.

SECTION 2. The Mayor is hereby authorized and directed
to execute the said Intergovernmental Agreement for and on
behalf of the City of Tucson, and the City Clerk is directed to
attest the same.

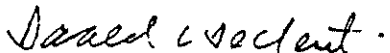
SECTION 3. The various City officers and employees are
authorized and directed to perform all acts necessary or desir-
able to give effect to this resolution.

SECTION 4. WHEREAS, it is necessary for the preser-
vation of the peace, health and safety of the City of Tucson
that this resolution become immediately effective, an emergency
is hereby declared to exist and this resolution shall be effec-
tive immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council
of the City of Tucson, Arizona JAN 07 1991.


MAYOR


ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REVIEWED BY:


CITY MANAGER

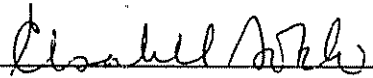
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APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed Inter-governmental Agreement between the ARIZONA DEPARTMENT OF TRANSPORTATION and the CITY OF TUCSON and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATE this 13 day of January, 1990.

CITY OF TUCSON

BY 
Assistant City Attorney



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

~~Robert E. Cox~~

Grant Woods

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. KR910053TRD, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 8th day of May, 1991

GRANT WOODS
Attorney General

James R. Redpath
Assistant Attorney General
Transportation Section